

**Farm, Ranch, and Rural Communities
Federal Advisory Committee
(FRRCC)**

September 8–10, 2008

**Held at the
InterContinental Hotel
Kansas City, Missouri**

EXECUTIVE SUMMARY

*Audio Associates
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MONDAY, SEPTEMBER 8, 2008

Call to Order and Meeting Commencement

James Moseley, Committee Chair

The work of this Committee is important because the decisions that need to be made by EPA require sound and informed advice. He encouraged members to engage EPA members in dialogue about what the Agency is considering, what is important to them, so Administrator Johnson and the EPA can determine the best ways to deal with agricultural concerns. Mr. Moseley introduced Don Steen, Missouri Director of Agriculture, and Adrian Polansky, Kansas Secretary of Agriculture, who were in the audience.

Introductory Remarks

John Askew, Regional Administrator, EPA Region 7

Mr. Askew introduced Administrator Stephen Johnson and mentioned the importance of this Committee's looking at life cycle analysis, Renewable Fuel Standard (RFS) 2, and biofuels, which are just a part of the energy solution.

Welcoming Remarks and Discussion

Stephen L. Johnson, Administrator, EPA

Region 7 is an excellent choice of location for this meeting because Region 7 has been communicating with the agriculture community. They also developed the first ever ethanol manual to help people understand and comply with regulations, and will develop another manual for the biodiesel industry.

To address serious environmental issues, Administrator Johnson sees a critical need for continued collaboration and cooperation among participants who represent states, individuals, and advocacy groups. The EPA Administrator has to make difficult decisions and needs the best and most representative advice. Priority areas include climate change, environmental strategy for livestock, emerging issues (e.g., sustainability), and renewable energy. The Energy Independence and Security Act (2007) will increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard (RFS) requiring fuel producers to use at least 36 billion gallons of biofuel in 2022, and reducing U.S. demand for oil by setting a national fuel economy standard of 35 miles per gallon by 2020, which will increase fuel economy standards by 40% and save billions of gallons of fuel. The EPA Administrator has the authority to waive the standard if complying with it would cause severe harm to the economy or the environment; Administrator Johnson denied the first applicant for a waiver and in that denial the Agency provided a process for evaluation of future waiver requests.

Admin. Johnson believes greenhouse gases are a problem for the nation and the globe, but that the Clean Air Act is not the appropriate tool with which to address it, although the Agency is doing the best job it can using a law that was not devised to accomplish this. We need Congress to pass a law on greenhouse gas emissions considering leakage, China, and the rest of the world.

Meanwhile, new issues and opportunities are arising—e.g., anaerobic bacteria producing electricity. Also, clarifying regulations, e.g., Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) are needed. These and other issues all represent opportunities to mold and craft issues in a way that is good for the environment, good for agriculture, good for the people. Lastly, the issue of

sustainability is a unique opportunity for those “on the ground” to help the Agency to think through what those issues are today and may be tomorrow, to be proactive in thinking through emerging issues early rather than responding to them after they have become a crisis.

EPA needs community input to make such decisions.

Edward T. Schafer, Secretary, USDA

Agriculture produces food and economic resource solutions. Farmers know soil and water must be used wisely and have made improvements and now use less fertilizer and less water to produce more food—e.g., the creation of buffer crops prevents soil erosion; genetically modified seeds help use less and fewer pesticides. It is vitally important to strive for the best balance between healthy lands and best production, and in so doing, it is important to help EPA understand the practical impact between environment and farms. Agriculture accounts for about 7% of the total annual U.S. greenhouse gas emissions; and it increased at less than half the rate of other sectors.

Continued biofuels development is also vital. The benefits of a diversified national fuel portfolio are many, and the decision to produce biofuels is a watershed decision in fuel policy. The new farm bill pushes in that direction by providing support for people starting production, and maintenance funds for producers to run on the fuels they produce. Working together and comprehensively on air quality issues, such as methane emissions, they are now defining a baseline emissions-monitoring study of ammonia, particulates, methane, etc. The FRRCC offers opportunities to take stock of the intersection of agriculture and environment.

Discussion: The following comments were made by members of the committee to the Secretary and to the Administrator.

- EPA must develop a life cycle analysis; legislation provides boundaries, but many have to be worked through to define how far to go back for accurate analysis. Cellulosic or second generation is one way. However, we cannot as a nation revert to the waiver provision. What becomes of CRP land, as it becomes un-enrolled, is a concern. Currently, about 20% is re-enrolled.
- The environmental impacts of increased production are a huge issue. USDA would like to see 43 billion gallons of fuel generated from biomass, which displaces 1 billion gallons of imported fossil fuel and would double economic activity in this country. We might harvest 300 bushels of corn per acre as we generate renewable fuel from corn. If we averaged that, it would follow the trend of increases in exports, increases in food use.
- The agriculture sector is experiencing frustrations that point to how public policy affects the individual, e.g., we have virtually no potash production in this country today, so we must import it, which is expensive.
- The Endangered Species Act (ESA) is a tool that is being used to prevent a particular event or activity. Recently it was used to challenge biotech alfalfa grown with pesticides, which demonstrates that the system is “broken” and that EPA is not getting timely information. We are

using laws not designed for the issues they address, and thereby letting the courts drive the process; we need to make sure Congress is putting laws in place to deal with current issues so lawyers do not creatively use laws for which they were not intended.

- Inputs to renewable fuels create macro- and micro-issues for world communities. Issues of alternatives to petro-based fuels include fumigants, insecticides, and other carcinogens. EPA is not the developer of the product; EPA just assesses to ensure that they meet the established standards. EPA has assessed a number of fumigants; new labels will appear in a year or 2 to provide additional protections for users. But, EPA should review the entire class. As an Agency they encourage manufacturers and researchers to develop better and safer products; fungicides traditionally are a problematic class. In California, they replaced fungicides with sprayed pheromones and provision of sterilized insects to the community. It was the public exchange of ideas and the economics that provided a truly successful solution.

Presentations

There were two presentations given to the Committee. One was by Joe Jobe, Chief Executive Officer, National Biodiesel Board, entitled US Biodiesel Industry, Present and Future. (See web link)

Discussion after his presentation included the following:

- New England consumes about 90% of the nation's heating oil; Massachusetts just passed a "bioheat mandate." Conventional feedstock sources are about half soy oil and half everything else (fat, corn, etc); 3 million to 500 million gallons of new corn oil are now currently harvested, but domestic livestock are available and are cheaper. Supply is a challenge because the rendering industry does not usually give contracts for longer than a month or so because domestic livestock do not respond to economic signals. In sum, long-term, animal fat is limited and does not respond to shocks on demand. The cost per pound to raise meat is 50% higher, while the profit is lower. Some public companies can increase prices, but producers are caught in the middle. The livestock industry buys bean meal, but the biofuels industry uses no protein meal. Domestic producers of soybeans can serve both markets.

The second presentation was entitled "Environmental and Economic Issues Facing Today's Ethanol Industry" and was given by Geoff Cooper, Director of Research, Renewable Fuels Association. (see Weblink)

Discussion following this presentation included the following:

- Production is expected to be at 9 billion gallons by 2008 and most of that will be at E10; less than 5% will be E85. In the next 10 years we will reach 15 billion gallons. Meanwhile, we also have to increase production of flexible-fuel vehicles and blender pumps that offer the driver a blend of E10, E30, E40, etc. Fewer than 200 such pumps are available today.
- Competing for a bushel of corn should also be on a level playing field—the ethanol industry has a competitive advantage over the livestock industry. The world corn market contains about 100 million tons, of which the ethanol industry will use about 43 million tons—this equals the effects

of a worldwide drought in perpetuity. On the contrary, the surge in demand will cause a surge in production as it responds to the demand, and, in fact, production has increased. The difficulty is the 3- to 5-year transition period.

- We are devoting 60 million to 80 million acres of cultivated land to ethanol production, where only 340 million acres are under cultivation. This will have consequences. New land brought into cultivation will likely be less productive because usually the land in production is the better land. Meanwhile, world land markets are tight, and it is important to deal with this issue from the environmental aspect. More discussion is called for.
- When the Tennessee study was done for the National 25x'25 Campaign, they anticipated using 100 million acres, but consider the alternative of buying and using more and more fossil fuels. Discussion of land-use changes has been misaligned from the beginning because most studies have been published by the oil industry.
- The food prices that have increased are grain-centered, and the sector that competes with grain production—the meat and protein sector—has a surplus. A change in the supply will drive the pricing. If meat prices increase 50%, this discussion will be different. Today technology in agriculture is considered negative. We have to help the public realize that technology can be positive, e.g., that genetically engineered corn is not dangerous.
- With the expansion of biofuels production, we must consider the hypoxia issue in Gulf of Mexico, into which discharges the Mississippi River Basin—the largest watershed in North America, draining 41% of the continental United States. Data show that we can improve agricultural output without increasing the agricultural footprint.
- Energy conservation and efficiency are not discussed much. We in the United States compete with a world that has paid much more than we have for energy, and they are moving faster than we are in conservation and efficiency. We should consider a more carbon-free future.

Workgroup Next Steps

Jim Moseley, Committee Chair

Mr. Moseley asked Workgroup chairs for an update on where they are, what they're planning, what their needs are, and what limitations they have to work with.

Climate Change & Renewable Resources Workgroup

Jim Andrew, Workgroup Chair

The Climate Change & Renewable Resources Workgroup needs to identify the 2 or 3 most pressing issues. Workgroup members have e-mailed presentations. The workgroup will need administrative support from EPA. The workgroup will establish priorities and set deadlines for its work.

Livestock & Poultry Workgroup

Gary Cooper, Workgroup Chair

The Livestock & Poultry Workgroup met in Chicago and has had 2 conference calls. Communications will be key. The Workgroup is considering an awards program for model producers. EPA has had a few programs to recognize good performance, e.g., Performance Partners, and an agriculture equivalent could be created. Workgroup members will talk to EPA representatives about regulatory expectations and gather information at regional and state levels about successful approaches, then bring those together and create a model.

Emerging Issues

Ralph Grossi, Workgroup Chair

Emerging Issues is such a catchall that they need more clarity and direction as to expectations. There was also a request for administrative support for the workgroup. Clarification of how the workgroup is to interact with the full Committee on its issues was raised.

Discussion

- Workgroups are supposed to meet a couple of times a year; they have activities that need to be carried out if they are to be effective. EPA will do what is needed to enable the Committee and the workgroups to do what they have been tasked to do. An operating plan of anticipated needs over the next year would be helpful. There should be a bona fide need for face-to-face meetings, but there are ways to minimize costs. Communicating by e-mail and teleconferences should be encouraged; EPA has set up intra-net sites for workgroups in the past. At the same time FACA requires openness and transparency. EPA is working on various options to provide the needed staff support, and hopes to have a clearer picture in the next several weeks. A workgroup is a subset of the basic Committee members, not an independent group, and any product that the workgroup produces has to be approved by the Committee as a whole.
- The format for the workgroup products could be advice letters or lengthier reports that may take a year to produce. Which to use depends on the issue and what the Agency is looking for. The group might want to develop a white paper on some issues or ask for technical expertise. On other issues, the workgroup's gut reaction may be what is desired. The variation is one reason a specific template has not been issued; the format should be tailored to the issue. EPA will provide examples of letter reports, detailed responses, and larger reports—a range that other committees have developed. From the Agency perspective, the more specific, detailed, and direct the recommendations, the more useful. At the same time, reports should be short and to the point. It is the responsibility of Committee members to bring to the Agency new issues they see percolating at the ground level, issues they may have to confront. This is about sharing information, and it makes the two-way communication between EPA and Committee members extremely important.
- EPA is considering convening a meeting at the end of February. An important guideline is to not do something that has already been done. The Livestock & Poultry Workgroup would like to meet before the Committee meets, perhaps early December. The Climate Change Workgroup has a sense of scope, and the scope for Emerging Issues will develop. Approvals could be signified by teleconference, rather than waiting for the next face-to-face meeting. Timelines must be set within the workgroups that allow forwarding findings to the new Administrator at the February meeting. Efficient ways to share information while meeting FACA requirements will be

investigated. It is also important to remember that anything sent forward to EPA must be a product of the entire Committee.

EPA Updates

Sally Shaver, Acting Counselor to the Administrator for Agricultural Policy, EPA

Sally Shaver gave an update of upcoming Agency actions that might be of interest to members of the Committee. The list is not a comprehensive list but does include those items that might be of most interest to the agricultural community.

By the end of the year, there are several rules which should be finalized: the Clean Water Act Concentrated Animal Feeding Operation (CAFO) Rule, the Exemptions of certain Air Emissions from Animal Feeding Operations from the Reporting Requirements of CERCLA and EPCRA Rule, and the Spill Prevention, Control, and Countermeasure Rule. EPA needs to better communicate to the affected farmers the requirements of these rules. The Committee could be very helpful in making recommendations about how to accomplish this.

Discussion

Numerous other proposed rules and Agency actions that the Committee might have interest in were mentioned as well. Members were encouraged to participate in the public comment period as they desired. Among those mentioned were:

- the Greenhouse Gas Mandatory Reporting Rule which would replace the existing voluntary reporting system. Its purpose is to determine emissions for policymakers to inform their discussions about policy options regarding GHG reductions.
- the pilot ammonia monitoring program in the Great Lakes states.
- the ongoing fine particle NAAQS review which occurs every five years.
- the NO₂ standards review which is considering other indicator pollutants.

Public Comment Session

No one signed up to deliver public comments at this meeting.

Written comments were submitted on August 29, 2008 on behalf of the Delaware Farm Bureau, and were distributed to the entire Committee on September 8 at the public meeting. It was decided by the Committee that the issue should be taken up by the Livestock and Poultry Workgroup on behalf of the Committee, and the Workgroup agreed that it would do so.

TUESDAY, SEPTEMBER 9, 2008

Fact-Gathering Activities

FRRCC members departed by bus to tour several sites and gather information about these agricultural operations.

John Askew, Regional Administrator EPA Region 7; Jim Krueger, Kansas NRCS; and Audra Gile, Kansas Department of Agriculture gave background information on Kansas agriculture. Brenda Groskinsky, Science Advisor to the Administrator, EPA Region 7; Donna Perla, EPA, Office of Research and Development; and Paul Agyropoulos, Office of Transportation and Air Quality, gave the EPA perspective. Kerry Wedel, Kansas Department of Health and Environment, gave an overview of the Kansas Watershed Restoration and Protection Strategy (WRAPS). Jerry Blain and Dan Devlin reported on Wichita watershed planning, assessment, management, and BMPs. Josh Roe explained BMP auctions. Joe Britt, Sand County Foundation, described this 40-year-old community-based conservation organization based in Illinois.

The group visited:

- Konza Prairie Long-Term Ecological Research center for a discussion of agricultural burning and air quality. Dr. John Briggs, Dr. John Blair, and Doug Goodin spoke.
- Kansas State University (KSU) Animal Science Research Facility for a discussion of manure management & composting, land application, impact of feeding DDGs. Joel DeRouchey, Jim Drouillard, and Ronaldo Maghirang spoke.
- KSU International Grains Center; Provost Duane Nellis and Daryl Buchholz spoke. Discussion of Watershed Planning, Assessment, Management, and BMPs.
- Handke Farms & Feedyard. Terry Handke and Paul Handke described their custom cattle feeding and containment facility.
- Lifeline Foods & Ethanol Plant. The plant has been producing ethanol since 2001 using a dry fractionization process. Corn yields 18% germ, 9% bran, and 73% starch.

WEDNESDAY, SEPTEMBER 10, 2008

Plenary Workgroup Presentation Session

Jim Moseley, Committee Chair

The group agreed that, in the event that Mr. Moseley would be temporarily unable to chair the FRRCC, Gary Cooper would serve as Vice Chair. Then the chair of each workgroup presented a brief summary of their discussions.

Climate Change & Renewable Energy Workgroup

Jim Andrew, Workgroup Chair

The Workgroup has been working on the following issues:

1. The Workgroup received reports from EPA on biofuels and greenhouse gases, and is in the process of reviewing EPA's draft Biofuels Strategy. Mr. Askew challenged the group to address 6 questions as they reviewed the draft document:
 - a. Is the draft EPA Biofuels Strategy document on target? Does it have merit?
 - b. Does the main role of EPA stand out? Are there any roles that EPA missed? Should EPA do more?
 - c. Is EPA's role/relationship with federal, state, local, and tribal entities clearly described?
 - d. Does EPA's approach represent the best way to approach a biofuels strategy?
 - e. Are the federal and state implementation needs clearly identified and accurate?
 - f. What did EPA miss?

Mr. Doering will collect the comments and prioritize them; replies should be sent to him by September 22. Then a subgroup of the Workgroup will be formed to draft a letter to EPA after being circulated to entire Committee and approved.

2. The 15 factors that are necessary for a cap-and-trade program to effectively engage agriculture.
3. Issues linking the draft EPA Renewable Fuel Standard with the 2008 Farm Bill.
4. Resource conservation issues linked with biofuels and how EPA is addressing them.
5. Prioritization of issues.

The Climate Change & Renewable Energy Workgroup needs from EPA some method of communicating with EPA and among themselves, e.g., password-protected access to a web site or intranet. Conference calls will be conducted as needed.

Livestock & Poultry Workgroup

Christine Chinn for Gary Cooper, Workgroup Chair

This Workgroup met in July in Chicago and established goals. The following recommendations address those goals:

1. EPA should work with this Committee to develop an awards program for exemplary producers.
2. Develop a strategy to remove CAFOs from EPA's national enforcement priority list. Support EPA's effort to assist states with low rates of permitting compliance to achieve higher rates by sharing strategies of successful state and regional programs.
3. In response to the Delaware Farm Bureau letter complaining about unreasonable and unannounced EPA inspections, the Workgroup is getting more information from Region 3 to clarify what actually happened.
4. To improve agriculture community/EPA communication, we need to clarify terms, including the following: "discharge," how the producer knows what is harmful and requires mitigation, "waters of the United States," and the value of the permit and its relationship to good environmental stewardship.
5. The Workgroup is sending a questionnaire to the Environmental Council of States (ECOS), Agriculture Commissioners, commodities groups, et al. to determine best model for collaborative decision-making and communication.

The Workgroup has agreed to have a conference call October 20 at 1:00 EST, and a meeting in early December.

Emerging Issues Workgroup

Ralph Grossi, Workgroup Chair

By October 24, members of the Workgroup will prepare 2- to 3-page background and discussion papers, including possible solutions or recommendations, regarding the following topics:

1. A letter received by the Workgroup from Partners for Sustainable Pollination, which may involve issues currently being discussed by the EPA's Pesticide Program Dialogue Committee (PPDC), as well as other issues that this Workgroup may need to discuss. The Workgroup will attempt to coordinate with the PPDC before taking action on this issue.
2. Communications with farmers to counter inconsistency and lack of understanding regarding how information flows. EPA clarification is needed on this topic.
3. Long-term land-use change issues.
4. Endangered Species Act and its many EPA-related effects.
5. Ammonia and air quality, including the possibility of a future air quality regulation issue.
6. Protocol consistency in monitoring (e.g., fence-line monitoring), what is usable and not usable data.
7. Nanotechnology and its implications for agriculture.
8. Nutrient trade, which is being developed rapidly.

The Workgroup will hold a conference call on November 13 to conduct the first round of discussion and set a timeline for addressing these issues.

Summary

Jim Moseley, Committee Chair

The emerging theme in each group is communication. The Livestock and Poultry Workgroup identified a few specific definitions; the Emerging Issues Workgroup has volunteered to work with EPA on this. Mr. Moseley could appoint a small workgroup to define the current landscape. Communication is not just transfer of information; it is a culture. Furthermore, state regulation may go further than federal regulation, which adds to the confusion. Some trade associations have different responsibilities and sometimes they are opposing the regulations, and at the same time called upon to tell farmers how to comply. There are also inherent challenges when delivering information the recipient does not want to hear. There is a need for more information on the process of how regulations are made and when people can comment. Attorneys for citizens' groups are another player, as these groups litigate when they believe needs are not being met. It represents another culture and language that comes into play.

Good examples could be compiled to use as models. For example, in California, EPA has worked closely with the Natural Resource Conservation Service (NRCS) and held town hall meetings. Regulations should be discussed extensively before a proposal is made. In that way, people will understand it even if they don't agree—this is a successful model. Communication in the pesticide world has been much better, and could be used as a model.

FRRCC Next Steps

Jim Moseley, Committee Chair

1. The next Committee meeting will be held in Washington, DC, sometime between mid-February and mid-April. Workgroup meetings will be scheduled prior to that meeting.
2. The Committee agreed that a response should be sent to the Delaware Farm Bureau regarding the comments it submitted prior to the Committee meeting, and authorized Mr. Moseley to respond on the Committee's behalf.
3. Mr. Vroom (saying, in response to Mr. Joyce, that he is representing himself and not the Committee) mentioned a letter he proposes to send to the two Presidential candidates.
4. Members may wish to approach their own trade associations and local media markets, as media attention would amplify the members' efforts. EPA Public Affairs Specialist Kris Lancaster is working on a press release regarding the meeting's content that will be available for media release as well as on the Committee's website.

FRRCC Members & Participants

FRRCC Members

James Moseley, Committee Chair, Jim Moseley Farms*
Martha Guzman Aceves, California Rural Legal Assistance Foundation
James Andrew, Andrew Farms*
Leonard Blackham, Utah Department of Agriculture and Food*
Richard Bonanno, Pleasant Valley Gardens*
Marion Long Bowlan, Long-Bowlan Farms*
Garth Boyd, Agriculture Camco
Michael Brubaker, Pennsylvania State Senate
Christine Chinn, Chinn Hog Farm*
Gary Cooper, Cooper Farms
Otto Doering, Purdue University*
Robert Flocchini, University of California–Davis*
Thomas Franklin, Theodore Roosevelt Conservation Partnership*
Suzy Friedman, Environmental Defense Fund
Earl Garber, Louisiana Association of Conservation Districts*
Ralph Grossi, American Farmland Trust*
Karri Hammerstrom, Hammertime Ranch*
Michele Laur, USDA NRCS*
Tom McDonald, Five Rivers Ranch Cattle Feeding*
David Nelson, Global Ethanol*
Martha Noble, Sustainable Agriculture Coalition*
Dawn Riley, Dawn Riley Consulting*
Clifford Snyder, International Plant Nutrition Institute
Jeff Tee, Panhandle Environmental Resource Coalition
Dennis Treacy, Smithfield Foods
Teferi Tsegaye, Alabama A&M University*
Jeffrey Vonk, South Dakota Department of Game, Fish, and Parks
Jay Vroom, CropLife America*
Bill Willard, Willard Agri-Service
Douglas Young, Spruce Haven Farm*

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Nina Bonnelyche, USEPA OW*
Gilbert Castellanos, USEPA*
Pat Cimino, EPA OPPTS[§]
Mike Colbert, EPA/OECA*
Tom Davenport, Region 5*
Pete Davis, Region 7
Heather Duncan, Region 7
Robin Dunking, EPA OAR*
Karen Flournoy, Region 7
Carol Galloway, EPA Ag Center*
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Alison Weildman
Kate Winston, *Inside EPA**
Hank Zygmunt, Region 3

Guests

Audra Gile, Kansas Department of Agriculture*
Jim Gray, 24-D Task Force
Joe Jobe, National Biodiesel Board
Annette Sharp, CenSARA
Anne Steckel, AFBF
Don Steen, Director of Agriculture–Missouri
Bob Tadsen, TFI
Steve Taylor, Missouri Agribusiness Assn
Chris Wendelbo, The Session Law Firm

Audio Associates, Contractor

* = signed in both September 8 & 10; [§] = signed in September 10 only

These minutes are an accurate depiction of the matters discussed during this meeting.

James R. Moseley

Chair

Farm, Ranch, and Rural Communities Committee

The Farm, Ranch, and Rural Communities Committee is a federal advisory committee chartered by Congress, operating under the Federal Advisory Committee Act (FACA; 5 U.S.C., App.2). The Committee provides advice to the Administrator of the U.S. Environmental Protection Agency on a broad range of environmental issues. The findings and recommendations of the Committee do not represent the views of the Agency, and this document does not represent information approved or disseminated by EPA.